

EXTREME HARDSHIP

Normally, a waiver of inadmissibility is dependent first upon a showing that the bar imposes an extreme hardship on a qualifying family member. Congress provided this waiver but limited its application. By such limitation it is evident that it did not intend that a waiver be granted merely due to the fact that a qualifying relationship existed. The key term in the provision is "extreme" and thus only in cases of actual or prospective injury to the United States citizen or lawful permanent resident will the bar be removed. Common results of the bar, such as separation, financial difficulties, etc., in themselves are insufficient to warrant approval of an application unless combined with more extreme impacts. Matter of Ngai, 19 I&N Dec.245 (Comm. 1984).

Extreme hardship can be demonstrated in many aspects, such as:

- a) **HEALTH** – Ongoing or specialized treatment requirements for a physical or mental condition; availability and quality of such treatment in your country, anticipated duration of the treatment; whether a condition is chronic or acute, or long or short-term.
- b) **FINANCIAL CONSIDERATIONS**. – Future employability; loss due to sale of home or business or termination of a professional practice; decline standard of living; ability to recoup short-term losses; cost of extraordinary needs, such as special education or training for children; cost of caring for family members (i.e., elderly and infirm parents).
- c) **EDUCATION** – Loss of opportunity for higher education; lower quality or limited scope of education options; disruption of current program; requirement to be educated in a foreign language or culture with ensuing loss of time in grade; availability of special requirements, such as training programs or internships in specific fields.
- d) **PERSONAL CONSIDERATIONS** – Close relatives in the United States and/or your country; separation from spouse/children; ages of involved parties; length of residence and community ties in the United States.
- e) **SPECIAL FACTORS** – Cultural, language, religious, and ethnic obstacles; valid fears of persecution, physical harm, or injury; social ostracism or stigma; access to social institutions or structures.
- f) Any other information that explains how your personal circumstances may qualify as imposing extreme hardship on a qualifying U.S. citizen or lawful permanent resident relative.